

Memo

Date: November 6, 2007

To: North Dakota Department of Transportation Contractors

From: Cal Gendreau, NDDOT Construction Engineer

Re: Aggregate Source Limitations Special Provision 704(02)

Possible negative health effects of the mineral erionite have been recently brought forward by the North Dakota Department of Health (NDDOH). This has prompted the North Dakota Department of Transportation (NDDOT) and the NDDOH, to identify and restrict the usage of aggregate sources in ND testing positive for erionite.

Effective for the November 2007 bid date, the NDDOT will incorporate the attached special provision requiring additional testing of aggregate sources for specific locations in western ND. In addition, three identified locations are prohibited sources of aggregate due to the confirmed presence of erionite. These locations are identified in the special provision. Attached is a NDDOH definition of erionite. NDDOH testing guidance will be available December 1, 2007.

If you have any questions please call Cal Gendreau at 328-2563.

Attached:
Special Provision 704(02)
Location Map
NDDOH Erionite Definition

70/BD/js

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

SPECIAL PROVISION

AGGREGATE SOURCE LIMITATIONS

Any aggregate sources within a 7-mile radius from the center of Section 16-146-96 in Dunn County, 6-mile radius from the center of Section 28-138-97 in Stark County, and 4-mile radius from the center of Section 26-134-101 in Slope County will not be used.

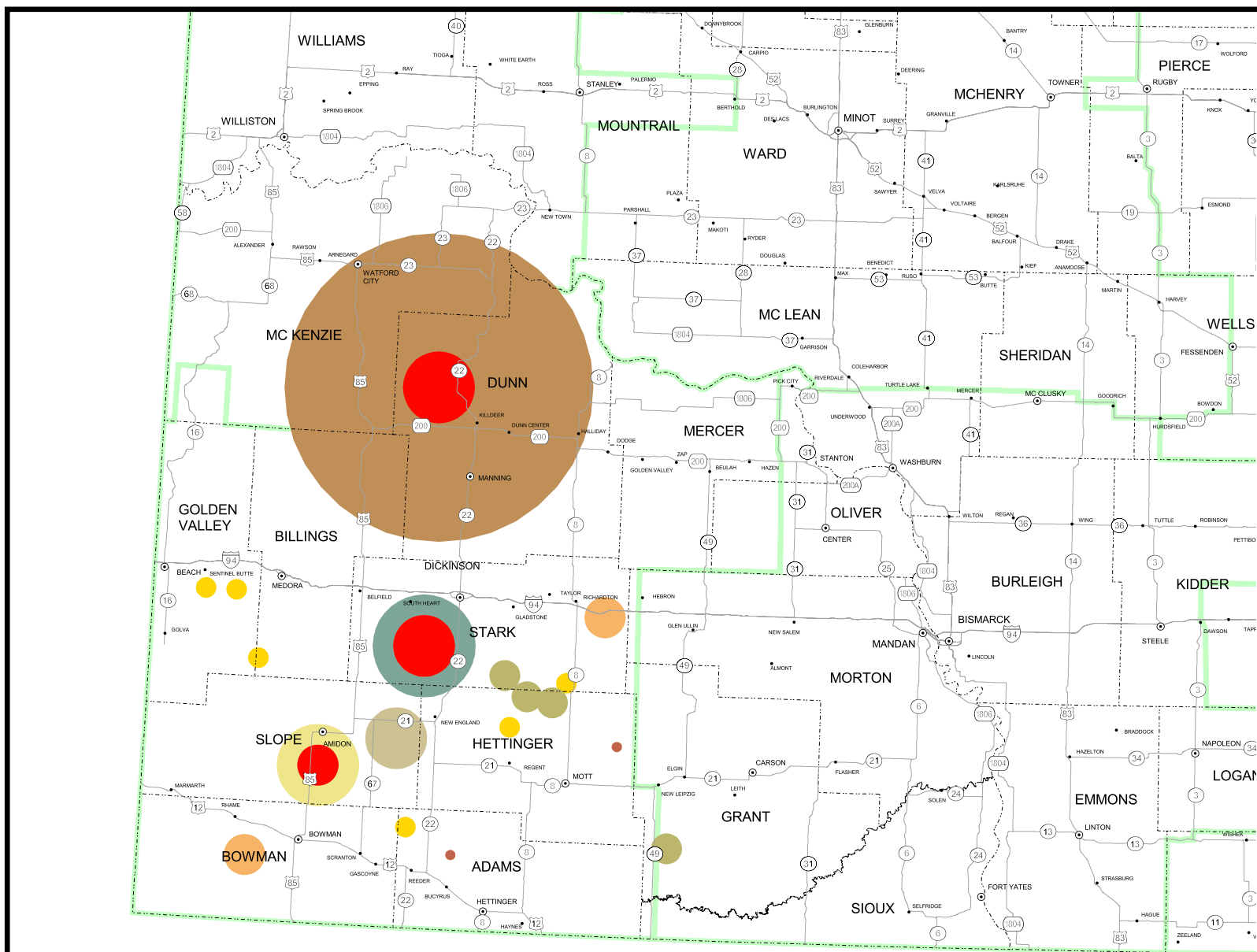
Any aggregate sources outside the 7-mile and within a 30-mile radius of the center of Section 16-146-96 in Dunn County, outside the 6-mile and within the 10-mile radius from the center of Section 28-138-97 in Stark County, and outside the 4-mile and within the 8-mile radius from the center of Section 26-134-101 in Slope County, and locations identified below may be used if samples are taken and tested for erionite fibers, and written approval has been received from the North Dakota Department of Health (NDDOH). The locations are identified by the center of the section and are as follows:

Section 29-135-98, Slope County - Radius 6 miles
Section 19-137-94, Stark County - Radius 3 miles
Section 9-136-94, Stark and Hettinger Counties - Radius 3 miles
Section 17-136-93, Hettinger County - Radius 3 miles
Section 30-137-92, Hettinger County - Radius 2 miles
Section 31-131-103, Bowman County - Radius 4 miles
Section 20-139-91, Stark County - Radius 4 miles
Section 28-135-91, Stark County - Radius 1 miles
Section 12-135-95 Hettinger County - Radius 2 miles
Section 8-139-103, Golden Valley County - Radius 2 miles
Section 8-139-104, Golden Valley County - Radius 2 miles
Section 18-137-102, Golden Valley County - Radius 2 miles
Section 29-132-98, Adams County - Radius 2 miles
Section 23-131-97, Adams County - Radius 1 miles
Section 2-131-90, Grant County - Radius 3 miles

Testing must be conducted according to the NDDOH guidance, which includes prior approval of a sampling plan and concurrence with the laboratory results. **The guidance will be available December 1, 2007.** If all submitted documentation appears satisfactory after review, the NDDOH will provide written approval for the location. All laboratory tests must be negative for the presence of erionite for the NDDOH to provide written approval. The NDDOH will provide written approval or denial for the location within 10 to 14 days of the submitted documentation postmarked date.

Two weeks prior to the start of any mining or processing of material in any of the previously identified locations that require NDDOH approval, the contractor shall provide to the District Engineer and the Materials and Research Engineer a copy of the written approval obtained from the NDDOH. In addition, the contractor will be required to clearly mark in the field the area(s) that have been approved for mining and these markings will be maintained during the entire project. If at any time it is determined by the NDDOT or the NDDOH that the contractor is outside of the approved area the contractors operation will be shut down and approval will need to be obtained from the NDDOH before any material can be used.

All cost for labor, material, equipment to test drill, obtain samples, and laboratory testing are the responsibility of the contractor.



Pit Location Radius

Restricted Locations

Radius in Miles

- 1 mile
- 2 mile
- 3 mile
- 4 mile
- 6 mile
- 7 mile
- 8 mile
- 10 mile
- 30 mile

District Boundary



STATE OF
NORTH DAKOTA
PREPARED BY THE
NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
PLANNING & PROGRAMMING DIVISION
2007